

REMARKS

Claims 2-45 are pending in the application. Claims 14 and 30 are rejected under 35 U.S.C. §112, second paragraph. Claims 1-2, 5-14, 16-30 and 32-45 are rejected under 35 U.S.C. §102(e). Claims 3-4, 15 and 31 are rejected under 35 U.S.C. §103(a). Applicants respectfully traverse the rejections under 35 U.S.C. §102(e) and under 35 U.S.C. §103(a) for at least the reasons stated in the response having a mailing date of December 7, 2004.

With respect to the rejections of claims 14 and 30 under 35 U.S.C. §112, second paragraph, the Examiner rejects claim 14 under 35 U.S.C. §112, second paragraph, for reciting the limitation of "said ICA" without antecedent basis. Paper No. 6, page 6. The Examiner further rejects claim 30 under 35 U.S.C. §112, second paragraph, for reciting the limitation of "said ICA" without antecedent basis. Paper No. 6, page 6. Applicants have amended claims 14 and 30 by replacing the first phrase of "said ICA" with the phrase "an ICA". Accordingly, there are no antecedent basis problems in the amended claims 14 and 30. Applicants respectfully request the Examiner to withdraw the rejections to claims 14 and 30 under 35 U.S.C. §112, second paragraph.

Applicants note that claims 14 and 30 were not amended to overcome prior art but to correct a typographical mistake. Hence, the amendments made to claims 14 and 30 were not narrowing in scope and therefore no prosecution history estoppel arises from the amendments to claims 14 and 30 *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 U.S.P.Q.2d 1705, 1711-12 (2002); 56 U.S.P.Q.2d 1865, 1870 (Fed. Cir. 2000). Further, the amendments made to claims 14 and 30 were not made for a substantial reason related to patentability and therefore no prosecution history estoppel arises from such amendments. *See Festo Corp.*, 62 U.S.P.Q.2d 1705 at 1707 (2002); *Warner-Jenkinson Co. v. Hilton Davis Chemical Co.*, 41 U.S.P.Q.2d 1865, 1873 (1997).

CONCLUSION

As a result of the foregoing, it is asserted by Applicants that claims 2-45 in the Application are in condition for allowance, and Applicants respectfully request an allowance of such claims. Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.

Attorneys for Applicants

By: 

Kelly K. Kordzik
Reg. No. 36,571
Robert A. Voigt, Jr.
Reg. No. 47,159

P.O. Box 50784
Dallas, Texas 75201
(512) 370-2832

Austin_1\285263\1
7036-P142US 7/15/2005